

May 12, 2008

TO: Teresa Parsons
Director's Review Program Supervisor

FROM: Kristie Wilson
Director's Review Investigator

RE: **Cliff Beaver v Department of Transportation (DOT)**
Allocation Review Request No. ALLO-07-054

On April 16, 2008, I conducted a Director's Review meeting by telephone conference call, concerning the allocation of Cliff Beaver's position. Present during the conference call were Niki Pavlicek DOT Manager Classification and Compensation, Linda Gorseth DOT Human Resources, Cliff Beaver DOT, and myself.

Investigator's Finding

My review finds that Mr. Beaver's position is properly allocated as a Marine Designer.

Background

On April 13, 2007 Mr. Beaver filed a Classification Questionnaire (CQ) to DOT's Human Resource Office requesting that his position be reallocated to the class of Senior Marine (HVAC) Designer. Niki Pavlicek, DOT Human Resource Office, reviewed his request and issued her decision by letter dated June 15, 2007. In her letter Ms. Pavlicek outlined the reasons and basis for her denial. Ms. Pavlicek also stated that the job class that Mr. Beaver requested reallocation to was not an existing job class. On July 11, 2007 Mr. Beaver emailed Karen Wilcox, DOP Legal Affairs Division, and advised her that he would like to proceed with the review and that he felt the Mechanical Engineer 3 classification best fits his job duties.

In reaching her determination, Ms. Pavlicek considered the Mechanical Engineer 2, Mechanical Engineer 3, and Marine Designer classifications. Ms. Pavlicek felt the Mechanical Engineer 2 seemed somewhat applicable; however, the pay was 5% less than Mr. Beaver's current position. Ms. Pavlicek did not wish to detrimentally impact Mr. Beaver's salary. Ms. Pavlicek reviewed

the Mechanical Engineer 3 classification which is the senior level of the series. She stated that positions at this level plan a variety of engineering project activities and direct and coordinate the work of engineering and architectural personnel on a variety of engineering activities. Ms. Pavlicek indicated that the CQ Mr. Beaver submitted did not indicate supervision of any engineering or architectural personnel, so she felt this classification was not applicable. The final classification Ms. Pavlicek considered was the Marine Designer, which was Mr. Beaver's current classification. According to Mr. Beaver's CQ, Ms. Pavlicek felt that the majority of Mr. Beaver's work fell within this classification. Ms. Pavlicek found that Mr. Beaver's position was properly allocated to the Marine Designer classification.

On July 10, 2007, Mr. Beaver filed a request to the Department of Personnel for a Director's Review.

Mr. Beaver's Perspective

Mr. Beaver asserts that he is responsible for the air conditioning work of all Washington State Ferry (WSF) vessels. Other job duties consist of producing specifications and engineering calculations. Mr. Beaver explained that there are three section heads in the Vessel Engine Department, one electrical, one mechanical, and one structural. The work orders come in from the Port Engineer Office, to the department head, and then forwarded to the professional engineer. However, in Mr. Beaver's section there is not a professional engineer so the work flows directly to him. Mr. Beaver asserts he works directly with contractors and reviews their work. If there are problems, Mr. Beaver works with the contractor directly.

Mr. Beaver reviewed the Mechanical Engineer 2 – 4 classifications and the Marine Mechanical Engineer. In an email to Karen Wilcox (Exhibit B) Mr. Beaver explains that he currently does perform some of the typical work in the descriptions however he does not have the Washington State Professional Engineer Registration required to qualify for these positions. Mr. Beaver was hoping that multi-level categories for Marine Designers could be created similar to Mechanical Engineers.

DOT's Rationale

DOT clarified that Mr. Beaver's original allocation request (Exhibit C-2) was to a job class that did not exist (Senior Marine (HVAC) Designer); WAC requires that all classified positions be allocated to an existing job class. DOT also pointed out that the definition of engineer found in RCW 18.43.020 states:

- (1) "Engineer" means a professional engineer as defined in this section.
- (2) "Professional engineer" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as defined in this section, as attested by his or her legal registration as a professional engineer.

Based on these definitions, DOT believes the mechanical engineer classifications are not appropriate based on his duties.

DOT feels that the mechanical engineer classifications build upon one another. In addition to requiring a professional engineer license, these classifications are responsible for directing the work of other engineers. Mr. Beaver does not supervise, lead or direct work. In addition, Mr. Beaver does not possess a professional engineer's license.

DOT compared the Marine Designer class specification (Exhibit C-4) and Mr. Beaver's CQ (Exhibit C-2). DOT's findings were:

- The definition on the Marine Designer job specification matches 35% on Mr. Beaver's CQ.
- The second paragraph under typical work on the Marine Designer job specification, matches 30% on Mr. Beaver's CQ.
- The third paragraph under typical work on the Marine Designer job specification matches 10% on Mr. Beaver's CQ.
- The last paragraph under typical work on the Marine Designer job specification matches the last 10% on Mr. Beaver's CQ.

Based on this information, DOT feels that Mr. Beaver's duties fit in the Marine Designer classification.

Reason and Basis for Finding

The definition for Mechanical Engineer (ME) 3 states:

Serves as a senior-level Mechanical Engineering Specialist who may direct other professional engineers.

Based on the definition of the ME 3 and our conversation in the Director's review, I feel Mr. Beaver does not serve as a senior-level Mechanical Engineering Specialist who may direct other professional engineers. In addition, most incumbents at this level are registered as a professional engineer. It is undisputed that Mr. Beaver does not have this registration. Although registration as a professional engineer may not necessarily be a requirement, the level and scope of Mr. Beaver's engineering assignments do not reach the level envisioned in the ME 3 class.

The definition for Marine Designer states:

In the Marine Division, Vessel Design Office prepares skilled sub-professional designs and estimates in the areas of mechanical, electrical or hull specialties for Washington State Ferry vessels.

The majority of the time Mr. Beaver's position is responsible for preparing and producing engineering calculations, designs, specifications, estimates, and drawings for construction, modification, and repair to the HVAC of ferry vessels under the direction of the Marine

Mechanical Section Head. Mr. Beaver's position also provides expert consultation to outside contractors for resolution of HVAC problems. The work assigned to Mr. Beaver's position is in line with the definition for a Marine Designer.

While examples of work do not form the basis for an allocation, they lend support to the work envisioned within a classification. Mr. Beaver's assigned work is consistent with the typical work described in the Marine Designer class specification. Therefore, I feel Mr. Beaver's position clearly falls within the Marine Designer definition.

As previously noted by the Personnel Resources Board (PRB), the guidance provided in the Department of Personnel's Classification and Pay Administrative Guide establishes that the following standards are primary considerations in allocating positions:

- a) Category concept (if one exists).
- b) Definition or basic function of the class.
- c) Distinguishing characteristics of a class.
- d) Class series concept, definition/basic function, and distinguishing characteristics of other classes in the series in question.

After reviewing the documentation and comments from all parties with regard to Mr. Beaver's assigned duties and responsibilities, I conclude the Marine Designer classification best describes his position.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the Washington personnel resources board. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

Enclosure: Exhibit List